

House File 2440

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1 2
1 3 AN ACT
1 4 RELATING TO AWARDS OF NONECONOMIC DAMAGES AGAINST HEALTH CARE
1 5 PROVIDERS.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8
1 9 Section 1. NEW SECTION. 668B.1 TITLE.
1 10 This chapter may be cited as the "Noneconomic Damage Awards
1 11 Against Health Care Providers Act".

1 12 Sec. 2. NEW SECTION. 668B.2 DEFINITIONS.
1 13 As used in this chapter, unless the context otherwise
1 14 requires:

1 15 1. "Health care provider" means a physician as defined in
1 16 section 135.1, an advanced registered nurse practitioner
1 17 licensed pursuant to chapter 152, a hospital as defined in
1 18 section 135B.1, and a health care facility as defined in
1 19 section 135C.1.

1 20 2. "Health care services" means services that involve
1 21 diagnosis, treatment, medical evaluation, advice, or such acts
1 22 as may be permissible under the health care licensing statutes
1 23 of this state.

1 24 3. "Noneconomic damages" means damages arising from pain,
1 25 suffering, inconvenience, physical impairment, mental anguish,
1 26 emotional pain and suffering, loss of chance, loss of
1 27 consortium, and any other nonpecuniary damages.

1 28 Sec. 3. NEW SECTION. 668B.3 DAMAGE AWARDS.
1 29 In any action for damages for injury or death against any
1 30 health care provider, whether based in tort, contract, or
1 31 otherwise, arising out of an act or omission in connection
1 32 with the provision of health care services, the injured
1 33 plaintiff shall be entitled to recover noneconomic damages,
1 34 but such damages shall not exceed two hundred fifty thousand
1 35 dollars, except upon a finding of actual malice on the part of
2 1 the defendant.

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2 6 CHRISTOPHER C. RANTS
2 7 Speaker of the House

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2 10 _____
2 11 JEFFREY M. LAMBERTI
2 12 President of the Senate

2 13 I hereby certify that this bill originated in the House and
2 14 is known as House File 2440, Eightieth General Assembly.

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2 18 _____
2 19 MARGARET THOMSON
2 20 Chief Clerk of the House

2 21 Approved _____, 2004

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2 23 _____
2 24 THOMAS J. VILSACK
2 25 Governor